IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1322 OF 2000

Shri.Yeshwant Hanumant Yadav ..Petitioner

Vs.

Smt.Nirmala Yeshwant Yadav and Anr. ..Respondents

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Mr.A.K.Tripathi i/b Mr.A.M.Moily for Petitioner
Mr.P.M. Khankar Advocate for Respondent no.1.
Mr.A.S.Shitole, A.P.P. for the State.

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : NOVEMBER 3,2004

P.C.

1. Heard Mr.Tripathi with Mr.Moily Advocates for the Petitioner-husband, Mr.Khankar, learned advocate for the respondent no.1-wife and Mr.A.S.Shitole, learned A.P.P. for the State.

2. By order dated 15th July, 1998 the learned Judicial Magistrate, F.C. Wai, had allowed the application for maintenance preferred by the respondent no.1-wife and granted maintenance in the sum of Rs.500/- from the date of application. The said order came to be challenged by the petitioner

by filing Criminal Revision Application No.149 of 1998. The said revision came to be dismissed by the learned IIIrd Additional Sessions Judge by order dated 3rd June, 2000. This order has been challenged by the petitioner in the present writ petition. In the meantime, the respondent no.1-wife had preferred an application for enhancement of the maintenance i.e. Criminal Application No.149 of 1999 in which notice came to be issued against the petitioner on 30.10.1999. In the present petition, the petitioner has also prayed for quashing and setting aside the said notice.

3. Various submissions have been made by both the sides. However, thereafter, after taking instructions from the petitioner-husband and respondent no.1-wife, it is stated by Shri.Khankar appearing for the respondent-wife that the respondent no.1-wife is willing to accept sum of Rs.52,000/- (Rs.fifty two thousand only) which is inclusive of amount of arrears of maintenance, as full and final settlement of her claims relating to maintenance and that she will not pursue her enhancement application pending before the concerned Magistrate or any other enhancement application. The learned advocate for the

petitioner states that the said amount of Rs.52,000/- will be paid by Demand Draft to the respondent no.1-wife latest by 3rd February, 2005. It is further stated by the learned Advocate for the petitioner that if there is any default in making the payment of said amount of Rs.52,000/-, this order shall stand vacated and the writ petition will stand restored. The statements made by both the sides are accepted.

. In view of the above, the petition stands disposed of.

. Parties to act on the authenticated copy of this order.

(V.K.TAHILRAMANI,J)